

Clagett, John W. Clagett, Thomas Clagett and Richard H. Clagett. It is stated and appears, that some time in or before the year

or his lessee, or that its preservation was endangered by the disposition made of it, an injunction to restrain such use should not be granted. *Wagner v. Cohen*, 6 Gill, 97.

III. INJUNCTIONS AFFECTING STREETS, HIGHWAYS AND WAYS. See also, *Municipal Corporations*, post, sec. X.

Where a bill was filed for an injunction to compel the defendant to remove certain obstructions placed by him upon a street, it was held that the obstructions not being such as would inflict upon the rights of the plaintiff an important and irreparable injury, which could not be fully compensated by an action at law, the bill should be dismissed. *Fort v. Groves*, 29 Md. 193. But generally a party entitled to a right of way over a street or road may be protected in the enjoyment thereof by an injunction restraining the erection of obstructions thereon. *Roman v. Strauss*, 10 Md. 89. A bill alleging that an alley over which the plaintiffs have a right of way, is the only reasonably convenient route to their property and place of business, owing to the fact that the neighboring streets were already rendered nearly impassable by the railroad tracks laid upon them, and that the defendants are about to obstruct this alley by laying a railroad track across it, by which the plaintiff will be subjected to daily irremediable damage, is sufficient to warrant the granting of an injunction to prevent such obstruction. *Ibid*.

A bill alleging a prescriptive right of way over defendant's land to a public road and market, and that complainant has no other outlet whereby to convey his produce to Baltimore for sale, except by a circuitous route over the lands and by the permission of persons who might, at any time, withhold such permission, makes out a case sufficient to warrant the granting of an injunction restraining the defendant from further obstructing such way. *Shipley v. Caples*, 17 Md. 179. Injunction granted at the instance of a party entitled, under an implied covenant, to the use of a street of a particular width to prevent obstruction of the same. *White v. Flannigan*, 1 Md. 525.

If the right of way over a street of the owner of a lot fronting thereon is so unlawfully obstructed as to subject him to a special injury not common with, but distinct from, that suffered by the public, and for which he cannot obtain adequate compensation at law, he is entitled to the summary interference of equity. *R. R. v. Strauss*, 37 Md. 237. But in this case it was held that the complainant had lost his right to an injunction by laches and acquiescence. In a case where obstructions have been erected on a strip of ground alleged to be a public way, if the applicant for an injunction for their abatement, claiming the use of the ground as one of the public and negating all mere private right in it, were obstructed or deprived of reasonable access to his building and thereby subjected to loss and inconvenience, that would be such a special injury as to entitle him to remedy in equity. But if such applicant and the purchaser of the ground have contracted with each other in respect to its use, the remedy would be on the agreement. *Gore v. Brubaker*, 55 Md. 87.

An Act authorizing a railway company to construct a tramway on certain streets in the City of Baltimore is valid, and the use of a street for that purpose is not such an invasion of the rights of abutting owners as to entitle them to enjoin the proceeding. *Hodges v. R. W. Co.*, 58 Md. 604. Injunction to restrain a company from constructing a horse railroad on a street in